

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:  
ACHAOGEN, INC.  
Debtor.

Chapter 11  
Case No. 19-10844 (BLS)

EDWARD E. NEIGER, as Trustee of the Achaogen  
Plan Trust,  
Plaintiff,  
v.  
CIPLA USA, INC.  
Defendant.

Adv. Proc. No. 21-50479 (BLS)  
**Re: Adv. Docket Nos. 9, 10, 19, 21, 25**

**ORDER**

AND NOW, this 30<sup>th</sup> day of January, 2023, upon consideration of the Defendant Cipla's Partial Motion to Dismiss the Complaint under Fed. R. Civ. P. 8 and 12(b)(6) (the "Motion")<sup>1</sup>, and the Plaintiff's response thereto, and after oral argument, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that:

- (1) The Motion is GRANTED as to Count IV (tortious interference with contract) and Count IV is dismissed without prejudice to the Plaintiff to replead; and
- (2) The remainder of the Motion is DENIED as to Counts V, VI, VIII, IX and X.

FOR THE COURT:

  
BRENDAN LINEHAN SHANNON  
United States Bankruptcy Judge

<sup>1</sup> Adv. Docket Nos. 9, 10.